

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Nicos L. Dinkins

19 CV 8447

Write the full name of each plaintiff.

No. _____

(To be filled out by Clerk's Office)

-against-

COMPLAINT

(Prisoner)

The State of New York et.al.

Town of Ramapo Police Dept. et.al.

Brockland County Jail Medical Administrator

Sheriff Falco, ~~Arise Administrator~~ Joulanna

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

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I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☐ Violation of my federal constitutional rights

☐ Other: Harassment, Racial Profile, excessive use of force, illegal search

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Nicos

First Name

L

Middle Initial

Dinkins

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

006337

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Rockland County Correctional Facility

Current Place of Detention

51 New Hempstead Road

Institutional Address

Rockland, New City

County, City

New York

State

10956

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

D Moscaritlo
 First Name Last Name Shield #
Palisades Interstate Parkway Trooper
 Current Job Title (or other identifying information)
Exit 2 Palisades Interstate Parkway
 Current Work Address
Bergen, Alpine New Jersey
 County, City State Zip Code

Defendant 2:

Michael Samora 523
 First Name Last Name Shield #
Police Officer for Ramapo Police Dept.
 Current Job Title (or other identifying information)
237 Route 59
 Current Work Address
Rockland, ~~NY~~ Suffern N.Y. 10901
 County, City State Zip Code

Defendant 3:

Juliana Petranker / Louis Falco
 First Name Last Name Shield #
HSA, MPH, LNA, CCHP / Sheriff
 Current Job Title (or other identifying information)
51 New Hempstead Road
 Current Work Address
Rockland County, New City N.Y. 10956
 County, City State Zip Code

Defendant 4:

Ed Day
 First Name Last Name Shield #
County Legislator
 Current Job Title (or other identifying information)
11 New Hempstead Road
 Current Work Address
Rockland, New City N.Y. 10956
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Palisades Interstate Parkway/Ramapo, N.Y.

Date(s) of occurrence: Dec. 21, 2017 / Nov. 27, 2018

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On Dec. 21, 2017 I was a passenger in my friend Alex F. car. Alex was pulled over by Trooper D. Moscaritloco for driving while being on his cell phone. After nearly causing a tragic accident, purposely D. Moscaritloco approached the car and held an unnecessary investigation after he checked Alex's license and registration. Alex's license and registration was good but he was still asked to exit the car to be interrogated on the side of the highway in the cold. Shortly after Trooper D. Moscaritloco then proceeded to interrogate me. I denied to identify myself. D. Moscaritloco then grabbed his chest trying to show me his name tag, while in motion he stated "You know my name why can't I know yours?" He then mentioned that illegal things come up and down the Palisades Pkwy all the time such as guns, drugs, and fraudulent items etc... He also said he's just doing his job and "he's not doing this because Alex is white and I'm black." That statement left me astonished, disgusted and petrified. I was then ordered to stand near the police cruiser, so D. Moscaritloco can start searching Alex's car for no apparent reason. His search of the car came up negative. So next he gave Alex a pat down. Then he came to me and asked that I empty all my pockets, for what reason was never mentioned. Next I was asked to remove my sneakers and my socks on the side of the

highway in the cold. Next another trooper held my hands behind my back while Trooper D. Moscaritolo went inside the rear of my sweat pants and thoroughly gave me a cavity search which left an everlasting effect on me. He separated my butt cheeks and almost entered my anus with his fingers. Next he entered the front side of my sweatpants and grabbed my scrotum then fondled them and questione "What is this?" I felt so violated I was at a lost for words. All I thought about was all the people driving by witnessing this humiliation. I was then placed in handcuffs even though nothing was found. He then searched my wallet.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

After my cavity search and my scrotum being fondled I suffer from flash-backs. My knee has no capability of lateral movements or dynamic movements. If I attempt those sorts of movements my knee dislocates; I fall, then my knee will be inflamed for days. Also my skin was removed by the extremely tight handcuffs and it left permanent scars on my left hand. Only thing given to me was a soft knee brace, bandages for my hand and pain killers.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Compensative damages Plaintiff respectfully request that the court grant relief in the amount of one million dollars. Punitive damages plaintiff respectfully request that the court grant relief in the amount of seven hundred fifty thousand dollars. Mental anguish plaintiff respectfully request that the court grant relief in the amount of seven hundred fifty thousand dollars. Pain and suffering damages Plaintiff respectfully request that the court grant relief in the amount of one million dollars. Along with any thing else the court may deem is necessary.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>August 30, 2019</u>		<u>Nicos Dinkins</u>
Dated		Plaintiff's Signature
<u>Nicos</u>	<u>L.</u>	<u>Dinkins</u>
First Name	Middle Initial	Last Name
<u>51 New Hempstead Road</u>		
Prison Address		
<u>Boekland, New City</u>	<u>New York</u>	<u>10956</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: August 30th, 2019

continued →

He pulled several cards out of my wallet one being a credit card. He then said "Nicos why doesn't my Chase credit card look like this?" He then said it's ok to answer your not under arrest. Then he went to search Alex F. again. This time he found 2 needles and a bag of heroin. Shortly after I was brought to the police station where I posted bail for \$629.⁰⁰. My bail money was then used to pay off my outstanding tickets in the amount of \$604.⁰⁰. I then reported to parole on Jan. 11, 2018. After leaving parole I attended school like I always do at Lincoln Tech in Mahwah, NJ from 6-11 p.m. I was then asked to re-report to parole because parole officer Dominicki said he forgot to have me sign some papers. When he realized I wasn't coming back he contacted me and ask why didn't I tell him about my police contact with trooper D. Moscaritolo. I told him the tickets were paid but he insisted that I leave school and return to parole immediately, which I refused. On Jan. 13th, 2018 my girlfriend had a miscarriage and I could do was blame myself. I was then homeless for 10 months. I was arrested on Nov. 27, 2018 because I was a passenger in a cab, that was parked on the side of the road to long. Adina Blisko who resides at 46 mariner way Ramapo, NY felt that the cab was parked outside to long and called her husband Larry Blisko who was at work at the time to call 911. She let him know that she was scared because there was two black men in a car parked outside. Officer Michael Samora approached the rear of the vehicle with his lights on. He then exited the car and approached the driver Jeandany Vilbrun who provided his license and registration even though he was unaware why all this was happening. He left officer Samora why he was there but because we were black his antenna's were up. Even though I was a customer seated in the back of the cab minding my business, causing no harm, nor were there any signs of criminality about he still felt the need to identify me even though I did nothing alarming

when he asked for my name. I ignored him the first time because I didn't think he was talking to me being that I was seated in the rear passenger seat, and he was in the drivers window. Next he ordered that the driver pull down the rear drivers side window. He asked for my name again and when I asked why, he said for his report. He then gave me an ultimatum which was give him a name here or ~~at~~ at the police station. I panicked because I know that not only was I on the run but I didn't understand why all this was happening. I kicked into fight or flight mode and gave the name Travis Mann. Travis Mann had a warrant but I was completely unaware of this until I was brought to Ramapo Police Dept. After giving the name Travis Mann Officer Michael Samora expeditiously came to the other side of the car. With the speed and body language I exited the vehicle and ran for my life. I was caught eventually after being shot with officer Samora's taser. After the taser put me down I was then attacked after I was handcuffed. I was brought to the hospital were I recieved X-rays on my left knee and bandages on my left hand. After I was brought to Rockland County Correctional Facility, I notified the Medical Staff about the inflammation in my knee. I told them my knee pops out then pops back into place. On Jan. 22nd, 2019 the orthopedic referred me to get a MRI, but HSA Jowlianna felt different. She later said they only have to maintain my knee so she ordered me a soft brace that doesn't stop my knee from performing lateral movements. I'm incapable of performing any dynamic movements without my knee dislocating and me crashing down to the floor.

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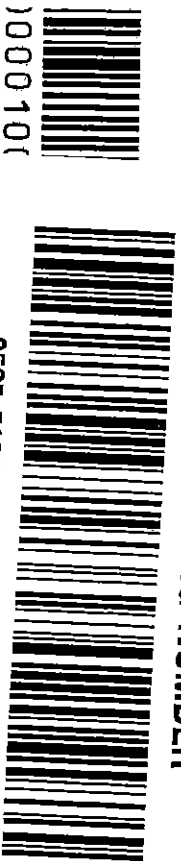
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